The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

July 26, 2004

Ms. Vickie L. Brock, Trustee   **NOTICE OF PAST VIOLATION**
Forest Park Realty Trust
P.O. Box 552
Peterborough, NH 03458

Re: Complaint Investigation
        Forest Park Estates, LLC ("FPE")
        Peterborough, NH

Dear Ms. Brock:

The purpose of this Notice of Past Violation ("NOPV") is to put you, as Trustee of Forest Park Realty Trust ("FPRT") on notice of the violation that occurred in the Town of Jaffrey, NH on April 30, 2004.

ISSUE

On April 30, 2004, personnel from the New Hampshire Department of Environmental Services' Water Division Wastewater Engineering Bureau ("DES") received notification from the Jaffrey Wastewater Treatment Facility Operator and the Public Works Director that a sanitary sewer manhole was overflowing at the FPE. Subsequent to this incident, DES issued a Notice of Findings on May 11, and on June 22, 2004. FPRT provided the requested information in its letters dated May 24, and July 6, 2004 along with a copy of the FPE Water and Wastewater Feasibility Study ("the Study") prepared for the Town of Jaffrey in November 2003.

Based on evidence provided by FPRT, and the Study, the sewer main carrying FPE's wastewater to the Town sewer collection system was constructed in 1967 and the slope of the vitrified clay pipe is less than the minimum recommended rate for an 8-inch diameter pipe. Frequent blockages in this pipe are attributed to the flat slope of the pipe. As stated by FPRT, the manhole on this line "overflows every year, once a year and has for more than 30 years." The Study states, "Historically, low water system pressure and disruption in wastewater service have resulted in costly repairs to the private landowner, frequent assistance from the Department of Public Works, and complaints based on health and safety concerns."

Pursuant to New Hampshire Revised Statutes Annotated ("RSA") Chapter 485-A Section 13, I (a) "It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the Department of Environmental Services." Based on the

information available on this sewer overflow, and FPRT's response letters, FPRT violated this statute. For violating RSA 485-A:13, I(a), Env-C 603.05(a) specifies a fine of $2,000 per 5,000 gallons or portion thereof discharged or $2,000 per hour or portion thereof that the sewage or other wastes are discharged, whichever is greater. Based on investigation records and a site visit, one of the manholes in FPRT's collection system discharged approximately 100 gallons of untreated wastewater that subsequently flowed down the slope to a wetland on April 30, 2004. Wetlands are considered surface waters of the State. For this violation, DES could seek a fine of $2,000.

RESOLUTION

In light of the fact that FPRT is working with the Town of Jaffrey investigating infrastructure improvements and implementing corrective measures as evidenced by the Study, DES will not collect a fine from FPRT at this time.

CONCLUSION

Other than taking steps to prevent future unpermitted discharges, no further action relative to this discharge is required.

Please note that FPRT is responsible for complying with all applicable federal and state requirements, whether found in statutes, rules or applicable permit(s) and this letter does not provide relief against any other existing or future violations. Any future violations may result in State and/or Federal enforcement action, which may include administrative fines, or issuing an order.

If you have any questions regarding this Notice of Past Violations, please contact Mary Jane Meier at (603) 271-5553.

Sincerely,

COPY

John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

CERTIFIED MAIL 7000 1670 0000 0585 7301

cc: Gretchen R. Hamel, DES Legal Unit Administrator
       Joy Hilton, US EPA, Water Technical Unit
       Randy Heglin, Director of Public Works, Town of Jaffrey
       Chris Clasby, NH Community Loan Fund, Project Director for Manufactured Housing Park
              Program